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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(CRL.) 28/2017**

S S AHLUWALIA

..... Petitioner

Through: Mr.Amit Sharma, Mr.Aditya
Bhardwaj, Mr.Shubham and
Mr.Prashant Ghai, Advocates.

versus

CBI

..... Respondent

Through: Mr.Anupam S.Sharma, Special PP for
CBI with Ms.Prachee Satija and
Mr.Prakash Airan, Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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03.08.2017

CrI.M.A. No.12457/2017

1. By filing the present application, the petitioner is seeking permission to place on record the additional medical documents of the petitioner.
2. The application is allowed.

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1. The instant petition has been filed by the petitioner praying for transfer of CBI Case No.30/2016 (CC No.14/04) titled as "CBI vs. S.S.Ahluwalia & Ors." arising out of RC No.1/87-ACU-I, CBI/SIC-I/New Delhi dated 24th March, 1987 pending in the Court Sh.Pulastya Pramachala, Special Judge, (PC Act), CBI, East District, Karkardooma Court to the Court

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of learned Special Judge, (PC Act), CBI either at Patiala House Court (New Delhi District) or at Saket Court (East District or South East District), Delhi.

2. Mr.Amit Sharma, learned counsel for the petitioner is seeking transfer of the case inter-alia on the ground that the case is pending trial since 1992. The petitioner has been appearing on each and every date of hearing before the learned Trial Court. The petitioner is 78 years old and has undergone knee surgery in March, 2017. Even in the recent past he has been hospitalised at Fortis Hospital and managed by Critical Care Team. The trial is at the stage of prosecution evidence and conclusion of trial is likely to take long time as out of 327 witnesses, only about 27 witnesses have been examined yet. He further submits that after the knee surgery of the petitioner, his health does not permit him to travel upto Karkardooma Court which is almost 42 kms up and down daily which is adversely affecting the health of the petitioner. Learned counsel for the petitioner has placed on record the copy of order dated 6th January, 2017 passed in Tr.P.(Crl.) No.92/2016 titled as C.L.Bhola & Anr. vs. CBI wherein this Court in somewhat similar circumstances has allowed the transfer petition.

3. Mr.Anupam S.Sharma, learned Special PP for CBI submits that transfer of case at this stage may cause delay in concluding the trial which is being tried on day to day basis as on date. He further submits that the fact that the petitioner did not admit even the documents pertaining to his income at the stage of admission-denial of document is one of the main reasons for examination of large number of witnesses.

4. Taking into consideration the medical condition of the petitioner that he has undergone knee surgery in March, 2017 and also remained hospitalised for two days in the recent past where he has been managed by

Critical Care Team and that travelling to and fro to Karkardooma Court where trial is going on on day to day basis is adversely affecting his health, the transfer petition is allowed.

5. The CBI Case No.30/2016 (CC No.14/04) titled as “CBI vs. S.S.Ahluwalia & Ors.” arising out of RC No.1/87-ACU-I, CBI/SIC-I/New Delhi dated 24th March, 1987 is withdrawn from the Court of Sh.Pulastya Pramachala, Special Judge, (PC Act), CBI, East District, Karkardooma Court and transferred to the Court learned Sessions Judge, Patiala House Court (New Delhi District) with direction to assign the same of learned Special Judge having jurisdiction to try the case.

6. The parties are directed to appear before the Court of learned Sessions Judge on 21st August, 2017.

8. Copy of the order be sent to the Courts concerned for information and compliance and be also given dasti to learned counsel for the parties.

Crl.M.A. No.10741/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

AUGUST 03, 2017

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